

Appl. No. 10/720,557
Atty. Docket No. 9130M
Amdt. dated August 18, 2006
Reply to Office Action of April 18, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1-20 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §102(b) Over Osborn III et al. (US Pat. No. 5,824,004)

Claims 1-5, 9, 14 and 17 are rejected under 35 USC §102(b) as being unpatentable over Osborn III et al. (US Pat. No. 5,824,004).

Osborn '004 does not disclose "said facing layer comprising a first region comprising a plurality of apertures and a second region comprising a plurality of out-of-plane deformations" as recited in Claim 1.

The Office Action cites "foam piece 262" that is said to contain "longitudinally oriented ribs 272 that would form ribs in topsheet 38", citing "Col. 2, lines 46-48".

Applicants can find no disclosure at column 2, lines 46-48 of apertures or out-of-plane deformations as recited in Claim 1. Moreover, the "foam piece 262" and the "longitudinally oriented ribs 272" identified by the Examiner have no relationship to each other with respect to forming the claimed out-of-plane deformations. The two elements are disclosed at column 69, lines 49-60 as two different elements bearing no relationship that might teach or disclose the claimed invention. Aside from the fact that the "ribs 272" are not part of "foam piece 262", there is also no disclosure in Osborn of "ribs 272" forming any ribs in the topsheet of Osborn, and there is no indication that such a structure would be, or could be, so formed. This idea is pure conjecture and not supported by any evidence from Osborn.

Accordingly, Applicants respectfully submit that Osborn fails to teach every element of the claimed invention, and most certainly does not teach each element with the specificity and enablement required to find anticipation under 35 USC §102(b). Therefore, Applicants respectfully request withdrawal of the 35 USC §102(b) rejection of Claims 1-5, 9, 14 and 17.

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Rejection Under 35 USC §103(a) Over Osborn III et al. (US Pat. No. 5,824,004)

Claims 6-8, 10-13, 15 and 16 have been rejected under 35 USC §103(a) as being unpatentable over Osborn III et al. (US Pat. No. 5,824,004).

With respect to Claims 6 and 7, Applicants respectfully submit that because they depend from Claim 1 they are patentable over the Osborn '004 reference for the reasons given above for Claim 1. Briefly, Osborn fails to teach, disclose, or suggest "said facing layer comprising a first region comprising a plurality of apertures and a second region comprising a plurality of out-of-plane deformations" as recited in Claim 1.

Moreover, the Office Action states: "As can be seen in Fig. 18, Osborn teaches a channel." Applicants have carefully considered Fig. 18 of Osborn, and can find no channel. The description of Fig. 18 provided by Osborn at column 4, line 24 states: "FIG. 18 is an exploded perspective view showing the assembly of a stretchable sanitary napkin provided with a slit absorbent core." Clearly, there is no suggestion of a "deep embossed channel" in Fig. 18 or its description, much less any information with respect to the relative depth of the channel.

Accordingly, Applicants respectfully request that the rejection of Claims 6 and 7 under 35 UC §103(a) be withdrawn.

With respect to Claim 8, Applicants respectfully submit that the Osborn '004 reference fails to teach, disclose, or suggest "said facing layer comprising a first region comprising a plurality of apertures and a second region comprising a plurality of out-of-plane deformations" for the same reasons as provided above with respect to Claim 1.

Furthermore, as discussed above with respect to Claim 6, Osborn fails to teach, disclose, or suggest a "deep embossed channel", much less a "deep-embossed channel defining an interior portion of [the] sanitary napkin" as recited in Claim 8.

Accordingly, unless and until the Examiner indicates where in Osborn is found the missing claim elements discussed above, Applicants respectfully request that the rejection of Claim 8 under 35 UC §103(a) be withdrawn.

With respect to Claim 12, Applicants respectfully submit that because it depends from Claim 8 it is patentable over the Osborn '004 reference for the reasons given above

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for Claim 8. Briefly, Osborn fails to teach, disclose, or suggest "said facing layer comprising a first region comprising a plurality of apertures and a second region comprising a plurality of out-of-plane deformations" and Osborn fails to teach, disclose, or suggest a "deep-embossed channel defining an interior portion of [the] sanitary napkin" as recited in Claim 8..

The Office Action states: "As can be seen in Fig. 18, Osborn teaches a channel." Applicants have carefully considered Fig. 18 of Osborn, and can find no channel. The description of Fig. 18 provided by Osborn at column 4, line 24 states: "FIG. 18 is an exploded perspective view showing the assembly of a stretchable sanitary napkin provided with a slit absorbent core." Clearly, there is no suggestion of a "deep embossed channel" in Fig. 18 or its description, much less any information with respect to the relative depth of the channel, or its relationship to the "interior portion" of the sanitary napkin.

Accordingly, unless and until the Examiner indicates where in Osborn is found the missing claim elements discussed above, Applicants respectfully request that the rejection of Claim 12 under 35 UC §103(a) be withdrawn.

With respect to Claim 15, Applicants respectfully submit that because it depends from Claim 13 it is patentable over the Osborn '004 reference for the reasons given above for Claims 1 and 8 above, which contain a similar limitation as shown in Claim 13. Briefly, Osborn fails to teach, disclose, or suggest "said facing layer comprising a first region comprising a plurality of apertures and a second region comprising a plurality of soft, resilient, rib-like elements" as recited in Claim 13.

The Office Action states: "As can be seen in Fig. 18, Osborn teaches a channel." Applicants have carefully considered Fig. 18 of Osborn, and can find no channel. The description of Fig. 18 provided by Osborn at column 4, line 24 states: "FIG. 18 is an exploded perspective view showing the assembly of a stretchable sanitary napkin provided with a slit absorbent core." Clearly, there is no suggestion of a "deep embossed channel" in Fig. 18 or its description, much less any information with respect to the relative depth of the channel, or its relationship to the "interior portion" of the sanitary napkin, as required in Claim 13, from which Claim 15 depends.

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Accordingly, unless and until the Examiner indicates where in Osborn is found the missing claim elements discussed above, Applicants respectfully request that the rejection of Claim 15 under 35 UC §103(a) be withdrawn.

With respect to Claims 8, 10, 11, 13, and 16, the Office Action states: "Please see the rejections of claims 1 and 6, as these rejections collectively address all of the limitations of Claims 8, 10, 11, 13 and 16.

Applicants respectfully submit that Claims 8, 10, 11, 13, and 16 are patentable for the reasons provided above with respect to Claims 1 and 6.

Accordingly, unless and until the Examiner indicates where in Osborn is found the missing claim elements discussed above, Applicants respectfully request that the rejection of Claims 8, 10, 11, 13, and 16 under 35 UC §103(a) be withdrawn.

Rejection Under 35 USC §103(a) Over Rajala (US Pat. No. 6,165,306)

Claims 18-20 have been rejected under 35 USC §103(a) as being unpatentable over Rajala (US Pat. No. 6,165,306).

Rajala does not teach, disclose, or suggest "providing a pair of intermeshing rollers" as claimed in Claim 18.

The "embossing apparatus" identified in the Office Action is not a pair of intermeshing rollers. No such intermeshing rollers has been identified in Rajala, and no disclosure has been identified that would prompt the skilled person to modify any apparatus of Rajala to be intermeshing rollers.

Moreover, even if the embossing apparatus of Rajala were to be interpreted as intermeshing rollers, no method steps of deforming the web material prior to joining to the backsheet as a topsheet has been identified as being disclosed, suggested, or otherwise taught in Rajala.

Accordingly, unless and until the Examiner indicates where in Rajala is found any disclosure of, or suggestion to modify to provide "a pair of intermeshing rollers" as claimed in Claim 18, Applicants respectfully request that the rejection of Claims 18 and 20 under 35 UC §103(a) be withdrawn.

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**Rejection Under 35 USC §103(a) Over Rajala et al. (US Pat. No. 6,165,306 in view of
Anderson et al. (U.S. Patent No. 4,100,324)**

Claim 19 has been rejected under 35 USC §103(a) as being unpatentable over Rajala et al. (US Pat. No. 6,165,306) in view of Anderson et al. (U.S. Patent No. 4,100,324).

Rajala does not teach, disclose, or suggest "providing a pair of intermeshing rollers" as claimed in Claim 18 from which Claim 19 depends. See the response to the rejection of Claim 18 above.

The addition of Anderson fails to remedy the deficiency of Rajala. Anderson also does not teach, disclose, or suggest "providing a pair of intermeshing rollers" as claimed in Claim 18 from which Claim 19 depends.

Moreover, Applicants find absolutely no disclosure in Anderson of "melt weakened locations" or an apparatus for making melt weakened locations. The Office Action says absolutely nothing about where disclosure of melt weakened locations can be found in Anderson. Therefore, Applicants are simply at a loss as how to respond to the instant rejection, except to say that because neither Rajala nor Anderson, either singly or in combination teach every element of the Applicant's invention, the Office Action has failed to make out a prima facie case of obviousness. See, MPEP 2143.

Accordingly, unless and until the Examiner indicates where in Rajala is found any disclosure of, or suggestion to modify to provide "a pair of intermeshing rollers" as claimed in Claim 18, and, unless and until the Examiner can indicate where in Anderson is found an apparatus for making melt weakened locations, Applicants respectfully request that the rejection of Claim 19 under 35 UC §103(a) be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections. Early and favorable action in the case is respectfully requested.

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This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-20 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


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Date: 8/18/06
Customer No. 27752
(Amendment-Response to Office Action.doc)
Revised 11/18/2005